

REMARKS

Claims 36-55, 57, 58, 60, and 61 are pending in the application. Claims 36-38, 40-43, 47-50, 54, 55, and 57 have been amended. Claims 56 and 59 have been canceled without prejudice or disclaimer, and claims 60 and 61 have been added. No new matter has been added. Support for the claim amendments may be found at least at paragraphs [0026], [0036], and [0043] of the Application, as originally filed.

Claims 36-55, 57, and 58 are Directed to Statutory Subject Matter

The Office has rejected claims 36-59, under 35 U.S.C. §101, as being directed to non-statutory subject matter. Claim 59 has been canceled without prejudice or disclaimer. Applicants respectfully traverse the remainder of the rejections.

Claims 36-55, 57, and 58 each recite a non-transitory computer readable storage medium. Per the USPTO memorandum of January 26, 2010, entitled “Subject Matter Eligibility of Computer Readable Media,” signed by Director Kappos, a non-transitory computer readable is directed to statutory subject matter. The memorandum further states that “such an amendment would typically not raise the issue of new matter, even when the specification is silent.” Of note, a non-transitory computer-readable media includes all computer-readable media, with the sole exception being a transitory, propagating signal. Moreover, Applicants respectfully traverse the assertion on page 2 of the Office Action that the claimed package is “just a pricing plan.” Each independent claim includes a non-transitory computer readable storage medium that stores shared and unshared account units, as well as instructions that are executed by a processor. For these reasons, Applicants respectfully request the withdrawal of the §101 of rejections of independent claims 36-38, as well as those rejections of claims 39-55, 57, and 58 that depend therefrom.

Claims 36-55, 57, and 58 are Allowable

The Office has rejected claims 36-59, under 35 U.S.C. §102(a), as being anticipated by U.S. Patent No. 5,771,282 (“Friedes”). Claims 56 and 59 have been canceled without prejudice or disclaimer. Applicants respectfully traverse the remainder of the rejections.

Claims 36 and 39-45 are Allowable

The cited portions of Friedes do not disclose or suggest the specific combination of claim 36. For example, the cited portions of Friedes fail to disclose or suggest an exchange of an amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 36. Friedes describes sending an aggregated bill from an interexchange carrier (IXC) company to a telephone company customer. *See* Friedes, column 4, lines 13-15, and column 5, lines 65 to column 6, line 4. Sending a bill from a telephone company to a customer is not the same as exchanging an amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 36. Because all stations belong to a single IXC company, there is no second subscriber service provider that is described or suggested in the cited portions of Friedes. *See* Friedes, column 2, lines 58-59. It follows that the cited portions of Friedes fail to disclose or suggest shared account units (for use of a second subscriber service provider) that are used to reconcile an amount of money exchanged between first and second subscriber service providers. A billing telephone company, such as the IXC company described in Friedes, does not share account units with a telephone customer. Rather, the company provides the units, and the customer purchases them. Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 36.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 36. Friedes describes aggregated billing for calls originating from separate phone stations. *See* Friedes, column 4, lines 13-20. Charges contained in a billing record for calls associated with a common account number can be combined to yield an aggregate bill. *See* Friedes, Abstract. Combining billing records is not the same as storing an allocation of shared account units. For example, billing records can track prior usage, but are not used to actively allocate shared account units. Additionally, the combined billing records of Friedes are not shared between the separate phone stations. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of

shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 36.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to allocate a determined type of account units to a first subscriber service provider, as in claim 36. Friedes describes recording a length and a time of a call. *See* Friedes, column 3, lines 41-49. Recording a prior event (e.g., a call duration) is not the same as allocating a determined type of account units to a first subscriber service provider, as in claim 36. Recording charges of prior usage does not involve determining and allocating a type of account unit (e.g., shared or unshared account units). Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 36.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by a first subscriber service provider based on a number of unshared account units remaining, where an allocation of unshared account units is utilized by the first subscriber service provider prior to utilization of an allocation of the shared account units by the first subscriber service provider, as in claim 36. Friedes describes determining whether calls received at a switch originated at a telephone station have an identifier associated with a common account number. *See* Friedes, column 2, lines 5-7. Identifying an origin of a call that has been placed is not that same as determining a type of account units to be utilized. Additionally, a call identifier tracks charges associated with a user and is not shared between, allocated, or utilized by a subscriber service provider. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by a first subscriber service provider based on a number of unshared account units remaining, where an allocation of unshared account units is utilized by the first subscriber service provider prior to utilization of an allocation of the shared account units by the first subscriber service provider, as in claim 36. Hence, claim 36 is allowable. Claims 39-45 are allowable, at least by virtue of their dependence from claim 36.

Claims 37 and 46-52 are Allowable

The cited portions of Friedes do not disclose or suggest the specific combination of claim 37. For example, the cited portions of Friedes fail to disclose or suggest an exchange of an amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 37. Friedes describes sending an aggregated bill from an IXC company to a telephone company customer. *See* Friedes, column 4, lines 13-15, and column 5, lines 65 to column 6, line 4. Sending a bill from a telephone company to a customer is not the same as exchanging of an amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 37. Because all stations belong to a single IXC company, there is no second subscriber service provider that is described or suggested in the cited portions of Friedes. *See* Friedes, column 2, lines 58-59. It follows that the cited portions of Friedes fail to disclose or suggest shared account units (for use of a second subscriber service provider) that are used to reconcile an amount of money exchanged between first and second subscriber service providers. A billing telephone company, such as the IXC company described in Friedes, does not share account units with a telephone customer. Rather, the company provides the units, and the customer purchases them. Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 37.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 37. Friedes describes aggregated billing for calls originating from separate phone stations. *See* Friedes, column 4, lines 13-20. Charges contained in a billing record for calls associated with a common account number are combined to yield an aggregate bill. *See* Friedes, Abstract. Combining billing records is not the same as storing an allocation of shared account units. For example, billing records can track prior usage, but are not used to actively allocate shared account units. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 37.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to allocate a determined type of account units to a first subscriber service provider, as in claim 37. Friedes describes recording a length and a time of a call. *See* Friedes, column 3, lines 41-49. Recording a call length is not the same as allocating a determined type of account units to a first subscriber service provider, as in claim 37. Additionally, recording charges of prior usage does not involve determining and allocating a type of account unit (e.g., shared or unshared account units). Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 37.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by a first subscriber service provider based on a number of shared account units remaining, where an allocation of unshared account units is utilized by the first subscriber service provider after exhaustion of an allocation of shared account units, as in claim 37. Friedes describes determining whether calls received at a switch originated at a telephone station having an identifier associated with a common account number. *See* Friedes, column 2, lines 5-7. Identifying an origin of a call after it has been placed is not that same as determining a type of account units to be utilized. Additionally, a call identifier tracks charges associated with a user and is not shared between, allocated, or utilized by a subscriber service provider. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by a first subscriber service provider based on a number of unshared account units remaining, where an allocation of unshared account units is utilized by the first subscriber service provider prior to utilization of an allocation of the shared account units by the first subscriber service provider, as in claim 37. Hence, claim 37 is allowable. Claims 46-52 are allowable, at least by virtue of their dependence from claim 37.

Claims 38 and 53-55, 57, and 58 are Allowable

The cited portions of Friedes do not disclose or suggest the specific combination of claim 38. For example, the cited portions of Friedes fail to disclose or suggest an exchange of an

amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 38. Friedes describes sending an aggregated bill from an IXC company to a telephone company customer. *See* Friedes, column 4, lines 13-15, and column 5, lines 65 to column 6, line 4.

Sending a bill from a telephone company to a customer is not the same as exchanging of an amount of money from a first subscriber service provider to a second subscriber service provider, where the amount of money is reconciled according to usage of shared account units, as in claim 38. Because all stations belong to a single IXC company, there is no second subscriber service provider that is described or suggested in the cited portions of Friedes. *See* Friedes, column 2, lines 58-59. It follows that the cited portions of Friedes fail to disclose or suggest shared account units (for use of a second subscriber service provider) that are used to reconcile an amount of money exchanged between first and second subscriber service providers. A billing telephone company, such as the IXC company described in Friedes, does not share account units with a telephone customer. Rather, the company provides the units, and the customer purchases them. Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 38.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 38. Friedes describes aggregated billing for calls originating from separate phone stations. *See* Friedes, column 4, lines 13-20. Charges contained in a billing record for calls associated with a common account number are combined to yield an aggregate bill. *See* Friedes, Abstract. Combining billing records is not the same as storing an allocation of shared account units. For example, billing records can track prior usage, but are not used to actively allocate shared account units. Additionally, the combined billing records of Friedes are not shared between the separate phone stations. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store an allocation of shared account units for use of a second subscriber service provider and available for use of a first subscriber service provider, as in claim 38.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to allocate a determined type of account units to one of a first

subscriber service provider and a second subscriber service provider, as in claim 38. Friedes describes recording a length and a time of a call. *See* Friedes, column 3, lines 41-49. Recording a call length is not the same as allocating a determined type of account units, as in claim 38. Additionally, recording charges of prior usage does not involve determining and allocating a type of account unit (e.g., shared or unshared account units). Thus, the cited portions of Friedes fail to disclose or suggest at least this element of claim 38.

In another example, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by one of a first subscriber service provider and a second subscriber service provider, where relative usage of an allocation of shared account units by the one of a first subscriber service provider and a second subscriber service provider is limited according to a predefined usage ratio, as in claim 38. Friedes describes determining whether calls received at a switch originated at a telephone station having an identifier associated with a common account number. *See* Friedes, column 2, lines 5-7. Identifying an origin of a call that has been placed is not that same as determining a type of account units to be utilized. Additionally, a call identifier tracks charges associated with a user and is not shared between, allocated, or utilized by a subscriber service provider. Therefore, the cited portions of Friedes fail to disclose or suggest a non-transitory computer-readable storage medium to store instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by one of a first subscriber service provider and a second subscriber service provider, where relative usage of an allocation of shared account units by the one of a first subscriber service provider and a second subscriber service provider is limited according to a predefined usage ratio, as in claim 38. Hence, claim 38 is allowable. Claims 53-55, 57, and 58 are allowable, at least by virtue of their dependence from claim 38.

Claims 60 and 61 are Allowable

New claims 60 and 61 depend from claim 36, which Applicants have shown to be allowable. Therefore, claims 60 and 61 are allowable, at least by virtue of their dependence from claim 38. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of Friedes fail to disclose or suggest a processor to generate a first bill with charges corresponding to shared account units and a second bill that includes supplemental invoice data unrelated to the shared account units, as in claim 60. Friedes describes generating a single, aggregated bill and further teaches that a second bill would be inconvenient. *See* Friedes, column 1, lines 16-20. For at least this additional reason, claim 60 is allowable.

Regarding claim 61, the cited portions of Friedes describe a single bill (i.e., from a company to customer) and fail to disclose or suggest both a bill to a subscriber service provider and a bill to a telecommunications subscriber, as in claim 61. For at least this additional reason, claim 61 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

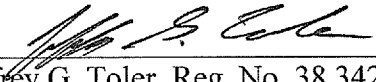
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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